

CHAPTER 7
PETITIONS FOR RULE MAKING
AND PETITIONS FOR DECLARATORY RULINGS
[Prior to 1/14/87, Iowa Lottery Agency[526] Ch 7]

705—7.1 to 7.9 Rescinded IAB 8/31/94, effective 10/5/94. See 705—Chapter 6.

705—7.10(99E) Petitions for rule making, amendments or repeal—who may petition. Any interested person may petition the division requesting the promulgation, amendment, or repeal of any rule.

705—7.11(99E) Petitions for rule making, amendments or repeal—requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

705—7.12(99E) Petitions for rule making, amendments or repeal—division must consider. All petitions shall be considered by the division and the division may, in its discretion, order a public hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

705—7.13(99E) Petitions for rule making, amendments or repeal—notice of disposition. The division shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.

705—7.14(99E) Declaratory rulings.

7.14(1) As prescribed by Iowa Code chapter 17A, any interested person may petition the division for a declaratory ruling. The division shall consider the petition and within a reasonable time shall:

- a. Issue a nonbinding declaratory ruling;
- b. Notify the person that no declaratory ruling is to be issued; or
- c. Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

7.14(2) If a hearing as provided in 7.14(1)“c” is conducted, the division shall within a reasonable time:

- a. Issue a binding declaratory ruling;
- b. Issue a nonbinding declaratory ruling; or
- c. Notify the person that no declaratory ruling is to be issued.

705—7.15(99E) Forms.

7.15(1) Any interested person petitioning the division for a declaratory ruling pursuant to Iowa Code chapter 17A shall generally adhere to the following form for such purpose.

7.15(2) At the top of the page shall appear the wording “Before the Iowa Lottery Division.” On the left side of the page below the foregoing, the following caption shall be set out: “In the matter of the petition of (name of petitioning party) for a declaratory ruling.” Opposite the foregoing caption shall appear the word “petition.”

7.15(3) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall state the facts relied upon in form similar to that applicable to complaints in civil actions before the district courts of this state. The

concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the district courts of this state.

7.15(4) The original and two legible copies shall be filed with the commissioner. Petitions shall be on white paper, either $8\frac{1}{2}'' \times 11''$ or $8\frac{1}{2}'' \times 13''$ in size.

7.15(5) Any interested person petitioning the division requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose:

a. At the top of the page shall appear the wording "Before the Iowa Lottery Division." On the left side of the page below the foregoing, the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

b. The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of a new rule or rules, or amendment or repeal of an existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, it shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by division rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

c. Petitions shall be dated and signed by the person or entity named in the first paragraph or by the attorney for the person or entity. The original and two legible copies of the petition shall be filed with the division. Petitions shall be on white paper, either $8\frac{1}{2}'' \times 11''$ or $8\frac{1}{2}'' \times 13''$ in size.

These rules are intended to implement Iowa Code chapter 99E.

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